

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

	-----X	
	:	
In re	:	Chapter 9
	:	
CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Steven W. Rhodes
	:	
	:	
	-----X	

**CITY OF DETROIT’S COUNTER-DESIGNATION  
OF THE CONTENTS OF THE RECORD AND  
COUNTER-STATEMENT OF ISSUES ON APPEAL**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, appellee the City of Detroit (the “City”) hereby submits this counter-designation of the contents of the record and counter-statement of issues on appeal in response to the *Appellant’s Designation of the Contents of the Record and Statement of Issues on Appeal* filed by appellants Syncora Guarantee Inc. and Syncora Capital Assurance Inc. (collectively, “Syncora”) on September 24, 2013.

**Counter-Statement of Issues**

(a) Whether the Bankruptcy Court correctly determined that the City’s casino tax and developer revenues are property of the debtor subject to the automatic stay.

(b) Whether the Bankruptcy Court correctly determined that an act by Syncora to exercise control of such casino revenues constitutes a violation of the stay.

(c) Whether the Bankruptcy Court correctly determined that Syncora was not within the exception of section 362(b)(17) of the Bankruptcy Code.

(d) Whether the Bankruptcy Court correctly determined that section 362(b) of the Bankruptcy Code has no application to the automatic stay imposed pursuant to section 922 of the Bankruptcy Code.

(e) Whether the Bankruptcy Court correctly determined that section 922(d) of the Bankruptcy Code did not apply to Syncora's act to exercise control of the casino revenues.

### **Designation of Additional Items to Be Included in the Record On Appeal**

#### **A. Case No. 13-53846**

<b>Docket Number</b>	<b>Description</b>
<b>157</b>	<b>(Corrected) Motion of Debtor for Entry of an Order (I) Authorizing the Assumption of That Certain Forbearance and Optional Termination Agreement Pursuant to Section 365(a) of the Bankruptcy Code, (II) Approving Such Agreement Pursuant Rule 9019, and (III) Granting Related Relief</b>

**B. Adv. Case No. 13-04942**

<b>Docket Number</b>	<b>Description</b>
<b>48</b>	<b>Notice of Pendency of Defendant Syncora Guarantee Inc.'s Emergency Motion to Dissolve the Temporary Restraining Order and Conduct Expedited Discovery and Ex Parte Motion for Expedited Hearing</b>
<b>76</b>	<b>Order Dissolving the July 5, 2013, Temporary Restraining Order Obtained by Plaintiff City of Detroit</b>
<b>78</b>	<b>Order Tolling Local Bankruptcy Rule 9015-1(B) Nunc Pro Tunc to September 4, 2013 and Staying Adversary Proceeding</b>

Dated: October 8, 2013

Respectfully submitted,

/s/ David G. Heiman

David G. Heiman (OH 0038271)

Heather Lennox (OH 0059649)

JONES DAY

North Point

901 Lakeside Avenue

Cleveland, Ohio 44114

Telephone: (216) 586-3939

Facsimile: (216) 579-0212

dgheiman@jonesday.com

hlennox@jonesday.com

Robert S. Hertzberg (P30261)  
Deborah Kovsky-Apap (P68258)  
Pepper Hamilton LLP  
4000 Town Center, Suite 1800  
Southfield, MI 48075  
(248) 359-7300 - Telephone  
(248) 359-7700 - Fax  
hertzbergr@pepperlaw.com  
kovskyd@pepperlaw.com

-4-